

1 ARIEL E. STERN, ESQ.
2 Nevada Bar No. 8276
3 TENESA SCATURRO POWELL, ESQ.
4 Nevada Bar No.12488
5 AKERMAN LLP
6 1635 Village Center Circle, Suite 200
7 Las Vegas, NV 89134
8 Telephone: (702) 634-5000
9 Facsimile: (702) 380-8572
10 Email: ariel.stern@akerman.com
11 Email: tenesa.scaturro@akerman.com

12 *Attorneys for The Bank of New York Mellon
f/k/a The Bank of New York as Trustee for
the Benefit of the Certificate Holders of the
CWALT, Inc., Alternative Loan Trust 2004-
8CB Mortgage Pass Through Certificates,
Series 2004-8CB*

13 **UNITED STATES DISTRICT COURT**
14
15 **DISTRICT OF NEVADA**

16 THE BANK OF NEW YORK MELLON FKA
17 THE BANK OF NEW YORK AS TRUSTEE
18 FOR THE BENEFIT OF THE CERTIFICATE
19 HOLDERS OF THE CWALT, INC.,
20 ALTERNATIVE LOAN TRUST 2004-8CB
MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2004-8CB;

21 Plaintiff,
22 vs.

23 TIERRA DE LAS PALMAS OWNERS
24 ASSOCIATION; SFR INVESTMENTS POOL I,
25 LLC; and ABSOLUTE COLLECTION
26 SERVICES, LLC,

27 Defendants.

28 Case No.: 2:17-cv-02112-JAD-CWH

29 **STIPULATION AND ORDER TO
30 EXTEND DISCOVERY DEADLINES**

31 [FIRST REQUEST]

32 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the
33 Certificate Holders of the CWALT, Inc., Alternative Loan Trust 2004-8CB Mortgage Pass Through
34 Certificates, Series 2004-8CB (**BoNYM**), Absolute Collections Services, LLC (**Absolute**), and SFR
35 Investments Pool 1, LLC¹ (**SFR**) by and through their respective counsel of record, and hereby
36 jointly submit this Stipulation and Order to Extend Discovery Deadlines (First Request) pursuant to
37

38 ¹ Tierra De Las Palmas Owners Association has not appeared in the case.

1 LR IA 6-1 and LR 26-4. This is the first stipulation to extend the discovery deadlines set by the
2 Scheduling Order (ECF No. 17) entered by the Court on September 29, 2017.

3 **A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED**

4 **1. Rule 26 Disclosures**

5 Plaintiff BoNYM served its Initial Disclosures on September 28, 2017.

6 Plaintiff BoNYM served its First Supplement to Initial Disclosures on December 1, 2017.

7 Plaintiff BoNYM served its Initial Expert Disclosures on December 29, 2017.

8 Defendant Absolute served its Initial Disclosures on January 23, 2018.

9 **2. Written Discovery**

10 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests
11 for production of documents to Absolute on November 6, 2017.

12 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests
13 for production of documents to SFR on November 6, 2017.

14 Defendant SFR served its responses to requests for production of documents, response to
15 requests for admission and answers to interrogatories on December 11, 2017.

16 Defendant Absolute served its responses to requests for admission on December 11, 2017,
17 responses to requests for production of documents on January 23, 2018, and answers to
18 interrogatories on January 24, 2018.

19 Defendant SFR served its first set of requests for admission, requests for production, and
20 interrogatories to BoNYM on January 24, 2018.

21 Plaintiff BoNYM served a Subpoena Duces Tecum upon the HOA, with the response due by
22 February, 12, 2018.

23 **3. Depositions**

24 BoNYM deposed Absolute Collections on January 26, 2018.

25 BoNYM subpoenaed the HOA for deposition to take place on February 23, 2018.

26 SFR noticed the deposition of BoNYM for February 16, 2018.

27 ...

28 ...

B. STATEMENT OF DISCOVERY REMAINING TO BE COMPLETED

2 SFR's deposition of BoNYM; SFR's Initial Disclosures; BoNYM's responses to SFR's written
3 discovery; BoNYM's deposition of the HOA; and the HOA's response to BoNYM's
4 Subpoena Duces Tecum. The parties reserve the right to conduct any additional discovery.

C. REASONS WHY AN EXTENSION IS REQUIRED

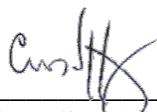
6 SFR has scheduled the deposition for BoNYM for February 16, 2018. The parties are in the
7 process of meeting and conferring regarding the deposition topics and have agreed that
8 BoNYM will respond to written discovery in order to potentially limit the deposition topics.
9 SFR served written discovery on BoNYM on January 24, 2018. The parties have agreed to
10 conduct BoNYM's deposition within the second week of March so that BoNYM can respond
11 to discovery and based upon BoNYM's witness availability.

D. PROPOSED SCHEDULE FOR ALL REMAINING DISCOVERY

1 **E. CURRENT TRIAL DATE**2 The court **has not** yet set a trial date.3 Based on the foregoing, the parties respectfully request the court extend the remaining
4 discovery deadlines as requested above.5 The parties make this request in good faith and believe good cause exists for extending these
6 deadlines.

7 Dated: February __, 2018

AKERMAN LLP <u>/s/Tenesa Scaturro Powell</u> ARIEL E. STERN, ESQ. Nevada Bar No. 8276 TENESA SCATURRO POWELL, ESQ. Nevada Bar No. 12488 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134 <i>Attorneys for The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificate Holders of the CWALT, Inc., Alternative Loan Trust 2004- 8CB Mortgage Pass Through Certificates, Series 2004-8CB</i>	ABSOLUTE COLLECTION SERVICES <u>/s/Shane D. Cox</u> SHANE D. COX, ESQ. Nevada Bar No. 13852 8440 W. Lake Mead Blvd. Ste. 210 Las Vegas, Nevada 89128 <i>Attorney for Absolute Collection Services, LLC</i>
KIM GILBERT EBRON <u>/s/Diana S. Ebron</u> DIANA S. EBRON, ESQ. Nevada Bar No. 10580 JACQUELINE A. GILBERT, ESQ. Nevada Bar No. 10593 KAREN L. HANKS, ESQ. Nevada Bar No. 9578 7625 Dean Martin Drive, Suite 110 Las Vegas, NV 89139 <i>Attorneys for SFR Investments Pool 1, LLC</i>	

22 **ORDER**23 **IT IS SO ORDERED.**24 **UNITED STATES MAGISTRATE JUDGE**

25 February 9, 2018

26 **DATED:** _____